

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 SMITH & WESSON BRANDS, INC.,
5 SMITH & WESSON, INC.,

Case No. 2:22-cv-01773-JCM-EJY

6 Plaintiff,

ORDER

7 v.

8 SW NORTH AMERICA, INC.,

9 Defendant.

10 Pending before the Court is the Joint Motion for Partial Stay of Discovery (ECF No. 61). In
11 the Joint Motion, the parties agree the pending Motion to Dismiss is not case dispositive. Despite
12 this fact, the parties also agree that engaging in expert and deposition discovery will be inefficient
13 and unproductive until the scope of Plaintiff's claims is decided by the Court. Thus, the parties seek
14 an order that permits their continued engagement in written discovery, but stays deposition and
15 expert discovery until the Motion to Dismiss is resolved. The parties contend, and the Court agrees,
16 this partial stay of discovery fulfills Fed. R. Civ. P. 1's goals to secure the just, speedy, and
17 inexpensive determination of this proceeding.

18 Accordingly, IT IS HEREBY ORDERED that the Joint Motion for Partial Stay of Discovery
19 (ECF No. 61) is GRANTED.

20 IT IS FURTHER ORDERED that discovery is partially stayed until ten (10) days after the
21 pending Motion to Dismiss is ruled upon by the Court. The stay applies such that no depositions
22 can be set and no expert disclosures should be made unless (1) the parties expressly agree in writing
23 to the contrary or (2) the Court so orders.

24 IT IS FURTHER ORDERED that within ten (10) days of the date on which the Court issues
25 an Order resolving the pending Motion to Dismiss, the parties **must** file a discovery plan and
26 proposed scheduling order that sets the deadlines for: adding parties or amending claims; completing
27 written discovery (if any); issuing initial and rebuttal expert reports; taking expert depositions; taking
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1 percipient witness depositions; filing future dispositive motions; and filing the proposed joint pretrial
2 order.

3 IT IS FURTHER ORDERED that if the parties cannot agree on the scope of discovery
4 allowed under this Order, or on the terms of the discovery plan and scheduling order due after the
5 order resolving the pending Motion to Dismiss is filed, the parties **must** file a joint status report
6 identifying the area or areas of dispute, followed by a succinct statement of each party's position.

7 Dated this 5th day of June, 2023.

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9 ELAYNA J. YOUCRAH
10 UNITED STATES MAGISTRATE JUDGE

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